

EXHIBIT 9

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 03-MDL-1570 (GBD) (SN)

5 -----x.

6 IN RE: TERRORIST ATTACKS ON
7 SEPTEMBER 11, 2001

8 -----x

9 August 5, 2021

10 9:09 a.m.

11 Videotaped Deposition via Zoom

12 of EVAN KOHLMANN, pursuant to Notice,
13 before Jineen Pavesi, a Registered
14 Professional Reporter, Registered Merit
15 Reporter, Certified Realtime Reporter and
16 Notary Public of the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S : 3 COZEN O'CONNOR PC 1650 Market Street, Suite 2800 4 One Liberty Place Philadelphia, Pennsylvania 19103 5 Attorneys for Plaintiffs BY: J. SCOTT TARBUTTON, ESQ. 6 scarter@cozen.com 7 8 ANDERSON KILL P.C. 1251 Avenue of the Americas New York, New York 10020 9 Attorneys for Plaintiff O'Neill and Plaintiffs' Executive Committee 10 BY: BRUCE STRONG, ESQ. bstrong@andersonkill.com 11 12 MOTLEY RICE, LLC 28 Bridgeside Boulevard 13 Mount Pleasant, South Carolina 29465 Attorneys for Attorneys for 14 Plaintiffs in Burnett Case and Plaintiffs' Executive Committee for 15 Personal Injury and Death Claims BY: ROBERT T. HAEFELE, ESQ. 16 rhaefele@motleyrice.com C. ROSS HEYL, ESQ. 17 rheyl@motleyrice.com JODI FLOWERS, ESQ. 18 jflowers@motleyrice.com RICHARD CASHON, ESQ. 19 20 KREINDLER & KREINDLER, LLP 750 Third Avenue 21 New York, New York 10017 Attorneys for Plaintiffs' Executive 22 Committee BY: ANDREW J. MALONEY, III, ESQ. 23 amaloney@kreindler.com 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 A P P E A R A N C E S (continued): 3 OMAR T. MOHAMMEDI LLC 233 Broadway, Suite 820 4 New York, New York 10279-0815 Attorneys for World Assembly of 5 Muslim Youth BY: OMAR T. MOHAMMEDI, ESQ. 6 omohammedi@otmlaw.com JILL MANDELL, ESQ. 7 jmandell@otmlaw.com 8 9 GOETZ & ECKLAND 615 First Avenue NE, Suite 425 Minneapolis, Minnesota 55413 10 Attorneys for WAMY - World Assembly of Muslim Youth 11 BY: FREDERICK GOETZ, ESQ. fgoetz@goetzeckland.com 12 13 SALERNO & ROTHSTEIN 221 Schults Hill Road 14 Pine Plains, New York 12567 Attorneys for Yassin Kadi 15 BY: AMY ROTHSTEIN, ESQ. amyrothsteinlaw@gmail.com 16 PETER SALERNO, ESQ. peter.salerno.law@gmail.com 17 18 19 ALSO PRESENT: 20 TOM DEVINE, The Video Technician 21 MICHAEL TOTH, Veritext Concierge Tech 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 2 A P P E A R A N C E S (continued): 3 LEWIS BAACH KAUFMANN MIDDLEMISS PLLC 1101 New York Avenue NW, Suite 1000 4 Washington, DC 20005 Attorneys for Muslim World League and 5 International Islamic Relief Organization, Dr. Abdullah Al Turki, 6 Dr. Adnan Basha, Dr. Abdullah Al Obaid and Dr. Abdullah Naseef 7 BY: ERIC LEWIS, ESQ. eric.lewis@lbkmlaw.com 8 AISHA BEMBRY, ESQ. aisha.bembry@lbkmlaw.com 9 NOUR SOUBANI, ESQ. nour.soubani@lbkmlaw.com 10 SUMAYYA KHATIB, ESQ. sumayya.khatib@lbkmlaw.com 11 WALEED NASSAR, ESQ. waleed.nassar@lbkmlaw.com 12 13 BERNABEI & KABAT PLLC 1400 16th Street NW, Suite 500 14 Washington, DC 20009 Attorneys for Dr. Abdullah Al Turki, 15 Dr. Adnan Basha, Dr. Abdullah Al Obaid and Dr. Abdullah Naseef 16 BY: ALAN KABAT, ESQ. kabat@bernabeipllc.com 17 18 JONES DAY 51 Louisiana Avenue NW 19 Washington, DC 20001 Attorneys for Dubai Islamic Bank 20 BY: STEVEN T. COTTREAU, ESQ. scottreau@jonesday.com 21 GABRIELLE PRITSKER, ESQ. gpriksker@jonesday.com 22 AUDREY BECK, ESQ. abeck@jonesday.com 23 ERIC SNYDER, ESQ. esnyder@jonesday.com 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 2 S T I P U L A T I O N S 3 4 I T I S H E R E B Y S T I P U L A T E D A N D A G R E E D b y 5 and between the Attorneys for the 6 respective parties hereto that filing and 7 sealing be and the same are hereby waived. 8 I T I S F U R T H E R S T I P U L A T E D A N D A G R E E D 9 that all objections except as to the form 10 of the question, shall be reserved to the 11 time of the trial. 12 I T I S F U R T H E R S T I P U L A T E D A N D A G R E E D 13 that the within examination may be signed 14 and sworn to before any notary public with 15 the same force and effect as though signed 16 and sworn to before this Court. 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1 2 THE VIDEO TECHNICIAN: Good 3 morning. 4 We're going on the record at 5 9:09 a.m. on August 5, 2021. 6 This is media unit 1 of the 7 video recorded deposition of Evan Kohlmann 8 taken by counsel for the defendant in the 9 matter of In re Terrorist Attacks on 10 September 11, 2001, filed in the U.S. 11 District Court, Southern District of New 12 York, Civil Action No. 03-MDL-1570 (GBD) 13 (SN). 14 This deposition is being held 15 on-line as a Zoom video conference with 16 all parties appearing remotely. 17 My name is Thomas Devine from 18 the firm Veritext New York and I am the 19 videographer; the court reporter is Jineen 20 Pavesi, also with Veritext New York. 21 I am not authorized to 22 administer an oath, I am not related to 23 any party in this action nor am I 24 financially interested in the outcome. 25 Counsels appearing remotely</p>	<p style="text-align: right;">Page 8</p> <p>1 KOHLMANN 2 I reviewed both my original 3 report as well as my rebuttal report. 4 I have reviewed a list of 5 reliance materials that either I used in 6 preparation of my report or I was simply 7 provided or made access to, and I spoke 8 briefly with plaintiff's counsel. 9 Q. Did you read any transcripts of 10 other experts' depositions that were taken 11 in this case? 12 A. I was able to review some of -- 13 at least one other expert. 14 Q. Which expert was that? 15 A. It was Marc Sageman. 16 Q. Did you read any of the experts 17 on plaintiffs' sides transcripts of their 18 depositions in this case? 19 A. I can't recall that I did, no. 20 Q. Did you speak to any of the 21 other experts on plaintiffs' side in this 22 case in preparation for your deposition? 23 A. No. 24 Q. Mr. Kohlmann, when were you 25 hired as an expert in this case?</p>
<p style="text-align: right;">Page 7</p> <p>1 2 will have their appearances noted on the 3 stenographic record. 4 The court reporter will now 5 please swear in the witness and we may 6 proceed. 7 E V A N K O H L M A N N, 8 having first been duly sworn by a Notary 9 Public of the State of New York, was 10 examined and testified as follows: 11 EXAMINATION BY 12 MR. LEWIS: 13 Q. Good morning, you and I have 14 both been doing this for quite a while so 15 I won't give you the usual tips and just 16 ask you to state your name for the record, 17 please. 18 A. Sure, my name is Evan Francois 19 Kohlmann, K-O-H-L-M-A-N-N. 20 Q. And you are in New York today? 21 A. Correct, I am. 22 Q. Mr. Kohlmann, can you tell me 23 what you have done in preparation for 24 today's deposition. 25 A. Sure.</p>	<p style="text-align: right;">Page 9</p> <p>1 KOHLMANN 2 A. That's a difficult question to 3 answer. 4 I first began doing work for -- 5 on this investigation, on this case, on 6 behalf of plaintiffs' counsel I believe in 7 January of 2004, December of 2003. 8 Q. How did it come to pass that 9 you began to do work for plaintiffs' 10 counsel in this case in or around late 11 2003 or early 2004? 12 A. I had been conducting extensive 13 research into the means by which Al Qaeda 14 and other terrorist groups were financing 15 themselves, I was researching both 16 individuals as well as organizations who 17 were allegedly contributing funds either 18 to Al Qaeda, Al Qaeda allies or other 19 terrorist organizations. 20 I don't recall exactly how we 21 first came into contact, but plaintiffs' 22 counsel obviously was interested in the 23 means by which Al Qaeda was receiving 24 financing and I was put on retainer. 25 Q. Did plaintiffs' counsel reach</p>

<p style="text-align: right;">Page 10</p> <p>1 KOHLMANN</p> <p>2 out to you or did you reach out to</p> <p>3 plaintiffs' counsel?</p> <p>4 A. I did not reach out to</p> <p>5 plaintiffs' counsel.</p> <p>6 Q. Who was the first counsel to</p> <p>7 contact you with respect to this case?</p> <p>8 A. I don't recall, it likely was</p> <p>9 Michael Elsner, but I don't recall.</p> <p>10 Q. Was it someone from Motley</p> <p>11 Rice?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. At the time in late 2003, early</p> <p>14 2004, you would have been a third year in</p> <p>15 law school, is that correct?</p> <p>16 A. I was finishing my third year</p> <p>17 in law school, that's correct, yes.</p> <p>18 Q. And you finished in or around</p> <p>19 May of 2004?</p> <p>20 A. Correct, yes.</p> <p>21 Q. At the time that you were</p> <p>22 retained, you were still working for the</p> <p>23 Investigative Project, is that correct?</p> <p>24 A. No, that's not correct.</p> <p>25 Q. When did you stop working for</p>	<p style="text-align: right;">Page 12</p> <p>1 KOHLMANN</p> <p>2 A. I think that's a fair -- yes,</p> <p>3 that's a fair assessment.</p> <p>4 Q. And were you still on a monthly</p> <p>5 retainer at that time?</p> <p>6 A. I believe -- I am not sure.</p> <p>7 Q. I am not trying to give you a</p> <p>8 memory test --</p> <p>9 A. I'm sorry, yeah --</p> <p>10 Q. You were on a monthly retainer</p> <p>11 until 2007 and it appears to go hourly;</p> <p>12 I'm just trying to determine whether there</p> <p>13 were different arrangements in the same</p> <p>14 time period or whether there was just a</p> <p>15 single change.</p> <p>16 A. No, you're right, you're -- my</p> <p>17 recollection is refreshed by what you're</p> <p>18 saying.</p> <p>19 Initially I was paid by</p> <p>20 retainer and afterwards I was paid an</p> <p>21 hourly rate, that's correct, yes.</p> <p>22 Q. Did you review the complaint in</p> <p>23 this action before it was filed, the first</p> <p>24 complaint?</p> <p>25 A. I don't believe so, but I don't</p>
<p style="text-align: right;">Page 11</p> <p>1 KOHLMANN</p> <p>2 the Investigative Project?</p> <p>3 A. Approximately two months before</p> <p>4 I was retained by Motley, so probably</p> <p>5 around November, December 2003.</p> <p>6 Q. I think in your resume it says</p> <p>7 2004; does that refresh your recollection?</p> <p>8 A. If it says that it's probably</p> <p>9 incorrect, because of the fact I believe I</p> <p>10 was doing work for Motley before I</p> <p>11 finished law school, but I would have to</p> <p>12 check, it's almost 20 years ago, I'm not</p> <p>13 sure.</p> <p>14 Q. Did there come a time when you</p> <p>15 put in an affidavit in connection with</p> <p>16 this case in or around the time that you</p> <p>17 were retained?</p> <p>18 A. I believe I was asked to</p> <p>19 provide multiple affidavits at that time.</p> <p>20 Q. Beginning at what period in</p> <p>21 time?</p> <p>22 A. I'm sorry, I don't recall, it</p> <p>23 was shortly after I was retained.</p> <p>24 Q. So it would be in or around</p> <p>25 2004, to the best of your recollection?</p>	<p style="text-align: right;">Page 13</p> <p>1 KOHLMANN</p> <p>2 recall.</p> <p>3 Q. Did you provide any information</p> <p>4 to plaintiffs' counsel with respect to</p> <p>5 that complaint, if you know?</p> <p>6 A. You mean information that would</p> <p>7 have led them to help file the complaint?</p> <p>8 Q. Information that would have</p> <p>9 been put in as allegations in the</p> <p>10 complaint or that would have informed</p> <p>11 their process, if you know.</p> <p>12 A. I don't know.</p> <p>13 Q. At the time that you were</p> <p>14 hired, were you also working for an entity</p> <p>15 called the 9/11 Finding Answers</p> <p>16 Foundation, which I will call NEFA?</p> <p>17 A. I was -- okay.</p> <p>18 So I worked for NEFA Foundation</p> <p>19 at the same time I was doing work for</p> <p>20 Motley, but there was an overlap, but it's</p> <p>21 not the same period.</p> <p>22 I only started doing work for</p> <p>23 NEFA, my recollection was it was at least</p> <p>24 a year or two after I began doing work for</p> <p>25 Motley, maybe even more.</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 38</p> <p>1 KOHLMANN</p> <p>2 A. Yeah --</p> <p>3 MR. HAEFELE: Objection to</p> <p>4 form.</p> <p>5 A. I was in regular communication</p> <p>6 with him, so I am assuming he was</p> <p>7 reviewing that stuff, yes, as were Claudio</p> <p>8 Franco, who was another investigator</p> <p>9 employed by NEFA, focuses on the Taliban</p> <p>10 and Afghanistan, also reviewed by, you</p> <p>11 know -- again, I don't want to hazard</p> <p>12 names.</p> <p>13 If you give me a paper, I will</p> <p>14 tell you who I shared it with.</p> <p>15 Q. We will see where we get to and</p> <p>16 see how much time we have.</p> <p>17 A. Okay.</p> <p>18 Q. And that's why I am going to</p> <p>19 try to show you as little as necessary so</p> <p>20 we can cover the ground we need to.</p> <p>21 You testified in the Haroun</p> <p>22 case that only two of your publications</p> <p>23 had been through a formal peer review</p> <p>24 process, your book and article called Room</p> <p>25 of Africa, Bringing Global Jihad to the</p>	<p style="text-align: right;">Page 40</p> <p>1 KOHLMANN</p> <p>2 A. No, no, no, I do not -- I</p> <p>3 mean, I was peer-reviewed, I know there</p> <p>4 was a formal peer review process, I know</p> <p>5 because I was involved in it and I had to</p> <p>6 go through the comments and make</p> <p>7 adjustments and respond to questions and</p> <p>8 all this stuff, it was a lot of peer</p> <p>9 review, it took a long time.</p> <p>10 But I don't know the identities</p> <p>11 of people that did it, no.</p> <p>12 Q. Do you know whether they were</p> <p>13 academic reviewers or nonacademic</p> <p>14 reviewers?</p> <p>15 A. It is my understanding that at</p> <p>16 least some of them were academic</p> <p>17 reviewers, but, again, I don't know their</p> <p>18 exact identities, I only know what I was</p> <p>19 told.</p> <p>20 I was specifically told that</p> <p>21 academic was the word that was used.</p> <p>22 Q. You published an article with</p> <p>23 John Eubanks in 1999, do you recall that?</p> <p>24 A. In the Journal of</p> <p>25 Counterterrorism and Security</p>
<p style="text-align: right;">Page 39</p> <p>1 KOHLMANN</p> <p>2 Horn of Africa, and that you were the</p> <p>3 third author on that with Dr. Vidino and</p> <p>4 Mr. Pantucci, correct?</p> <p>5 MR. HAEFELE: Objection to</p> <p>6 form.</p> <p>7 A. I think there is another paper</p> <p>8 there somewhere, but I have to dig it up,</p> <p>9 it is 20 years of stuff, I'd have to dig</p> <p>10 it up.</p> <p>11 Q. You testified Haroun, there was</p> <p>12 only two and that is just a couple of</p> <p>13 years ago?</p> <p>14 A. If you're asking were those two</p> <p>15 things peer-reviewed, absolutely they were</p> <p>16 peer-reviewed, formally peer-reviewed,</p> <p>17 yes.</p> <p>18 Q. You don't know who formally</p> <p>19 peer-reviewed it, correct?</p> <p>20 A. In the case of my book --</p> <p>21 Q. Let's deal with the Vidino</p> <p>22 article --</p> <p>23 A. No, no.</p> <p>24 Q. I will come onto your book in</p> <p>25 time.</p>	<p style="text-align: right;">Page 41</p> <p>1 KOHLMANN</p> <p>2 International?</p> <p>3 Q. I guess you do recall it, yes.</p> <p>4 A. Yes, I do.</p> <p>5 Q. Was Mr. Eubanks a colleague of</p> <p>6 yours at the time with the Investigative</p> <p>7 Project?</p> <p>8 A. That's correct, yes, he was.</p> <p>9 Q. And he is now counsel for</p> <p>10 plaintiff in this case?</p> <p>11 A. I believe he is, at least the</p> <p>12 last time I checked, yes, he is.</p> <p>13 Q. What were the circumstances</p> <p>14 under which you came in 1999 to prepare an</p> <p>15 article in conjunction with Mr. Eubanks?</p> <p>16 A. I was working at the</p> <p>17 Investigative Project, I was conducting</p> <p>18 research, I had conducted research into</p> <p>19 several particular areas that were germane</p> <p>20 to what we were doing and John was also</p> <p>21 working on those areas, so we co-authored</p> <p>22 this together.</p> <p>23 I'm sorry, maybe I'm not</p> <p>24 understanding what you're driving at.</p> <p>25 Q. I am not really driving at</p>

<p style="text-align: right;">Page 42</p> <p>1 KOHLMANN</p> <p>2 anything, I'm just trying to understand</p> <p>3 it, it is unusual that counsel and someone</p> <p>4 else -- just trying to figure out how it</p> <p>5 happened.</p> <p>6 A. It is not unusual.</p> <p>7 I have a lot of friends of mine</p> <p>8 who are lawyers, I have friends of mine</p> <p>9 that work for firms that are present here</p> <p>10 today, so it is not really unusual at all.</p> <p>11 Q. Have you authored an article</p> <p>12 with any other lawyers?</p> <p>13 MR. HAEFELE: Objection to</p> <p>14 form.</p> <p>15 A. With lawyers, he wasn't a</p> <p>16 lawyer when -- I mean, I am sure he</p> <p>17 passed the bar exam, but he wasn't working</p> <p>18 as a lawyer when he was working on the</p> <p>19 Investigative Project.</p> <p>20 Again, it would be very</p> <p>21 difficult for me to look forward in time</p> <p>22 when I am writing an article with someone</p> <p>23 and saying 20 years from now they are</p> <p>24 going to be working for a law firm, that's</p> <p>25 not how it works.</p>	<p style="text-align: right;">Page 44</p> <p>1 KOHLMANN</p> <p>2 the other investigators, so that's the</p> <p>3 person I worked most closely with.</p> <p>4 Q. Who was that?</p> <p>5 A. Claudio Franco.</p> <p>6 Q. How did you come to be hired by</p> <p>7 NEFA?</p> <p>8 A. I came into contact with David</p> <p>9 Draper, I don't remember who introduced</p> <p>10 us, David explained to me that they were</p> <p>11 looking to start a research organization</p> <p>12 think tank to help, you know, progress</p> <p>13 forward research about Al Qaeda, 9/11 and</p> <p>14 terrorist financing and I spoke with</p> <p>15 Claudio, who was another researcher</p> <p>16 involved in this, I had a great respect</p> <p>17 for his work, he seemed to be doing work</p> <p>18 that was very interesting and relevant and</p> <p>19 so I joined.</p> <p>20 Q. How did you know David Draper</p> <p>21 -- this was in or around 2006?</p> <p>22 A. Yes, something like that.</p> <p>23 Q. 2005?</p> <p>24 A. Something like that, yeah.</p> <p>25 Q. It was after you were hired as</p>
<p style="text-align: right;">Page 43</p> <p>1 KOHLMANN</p> <p>2 Q. I am not asking you that and,</p> <p>3 as you said, he was a lawyer then but not</p> <p>4 working in that capacity.</p> <p>5 Have you stayed in touch with</p> <p>6 Mr. Eubanks with respect to this case?</p> <p>7 MR. HAEFELE: Objection to</p> <p>8 form.</p> <p>9 A. I have spoken I think with</p> <p>10 John, he is a great guy, friend of mine,</p> <p>11 but honestly I have spoken with him I</p> <p>12 think two times since his wedding back in</p> <p>13 2004, so, no.</p> <p>14 Q. I'd like to come onto to NEFA;</p> <p>15 you were a senior investigator at NEFA?</p> <p>16 A. Correct, yes.</p> <p>17 Q. And were there any other</p> <p>18 investigators at NEFA?</p> <p>19 A. Yes, there were.</p> <p>20 Q. How large was NEFA when you</p> <p>21 joined?</p> <p>22 A. I think there were three other</p> <p>23 investigators that were employed at that</p> <p>24 point, two or three.</p> <p>25 I worked closely with one of</p>	<p style="text-align: right;">Page 45</p> <p>1 KOHLMANN</p> <p>2 an expert in this case, correct?</p> <p>3 A. Correct, that's right.</p> <p>4 Q. Did you know David Draper</p> <p>5 before he hired you?</p> <p>6 A. No, I think I met him probably</p> <p>7 a couple of months before they hired me, I</p> <p>8 don't remember.</p> <p>9 I remember being introduced to</p> <p>10 David, but I don't remember exactly who --</p> <p>11 I don't remember -- I can't remember who</p> <p>12 exactly introduced us.</p> <p>13 Q. Would it have been someone at</p> <p>14 Motley Rice?</p> <p>15 A. It might have been, but I can't</p> <p>16 remember.</p> <p>17 Q. You are aware, are you not,</p> <p>18 that Mr. Draper had worked for Motley</p> <p>19 Rice, correct?</p> <p>20 MR. HAEFELE: Objection to</p> <p>21 form.</p> <p>22 A. Yeah, I believe he did and I</p> <p>23 think that's where I first came into</p> <p>24 contact with him.</p> <p>25 Q. Was he still working for Motley</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 142</p> <p>1 KOHLMANN</p> <p>2 Q. You have been excluded in</p> <p>3 particular cases, correct?</p> <p>4 MR. HAEFELE: Objection to</p> <p>5 form.</p> <p>6 A. I have been excluded in a</p> <p>7 couple of cases, yes, that's correct.</p> <p>8 Q. I guess my question for you is,</p> <p>9 do you inquire as to why a court has</p> <p>10 excluded you?</p> <p>11 A. I don't know that I do it</p> <p>12 universally, but I have, yeah, sure.</p> <p>13 Q. Let me move on.</p> <p>14 You worked for the</p> <p>15 Investigative Project from approximately</p> <p>16 1998, I thought your resume had said 2004,</p> <p>17 but I think you suggested --</p> <p>18 A. It was really December of 2003;</p> <p>19 by early 2004 I was already on my own.</p> <p>20 Q. December 2003, okay.</p> <p>21 Let's go back to 1998, in</p> <p>22 February 1998, so you would have been a</p> <p>23 freshman in college?</p> <p>24 A. Yeah, my second semester,</p> <p>25 freshman year, that's right.</p>	<p style="text-align: right;">Page 144</p> <p>1 KOHLMANN</p> <p>2 I want to say it was, like, I</p> <p>3 think it was May of 2002 was the first</p> <p>4 time I appeared on television talking</p> <p>5 about this stuff, so it was approximately</p> <p>6 around that time.</p> <p>7 Q. Was it after September 11?</p> <p>8 A. It was -- you know, look, it</p> <p>9 was an informal promotion, it was</p> <p>10 basically, like, you know more about this</p> <p>11 than almost anyone so you're in charge,</p> <p>12 right.</p> <p>13 Q. Did there come a time when you</p> <p>14 received a salary?</p> <p>15 A. I don't think I ever did, I</p> <p>16 think I was always paid hourly.</p> <p>17 Q. Were you paid hourly as an</p> <p>18 intern?</p> <p>19 A. Yeah.</p> <p>20 Q. Good gig.</p> <p>21 A. It was great; at the time I</p> <p>22 was, like, this is great, I got to study</p> <p>23 terrorism, they're even paying me, it was</p> <p>24 unusual.</p> <p>25 Q. Did you research the</p>
<p style="text-align: right;">Page 143</p> <p>1 KOHLMANN</p> <p>2 Q. Your resume says senior</p> <p>3 terrorism consultant, I presume you didn't</p> <p>4 start as a senior terrorism consultant?</p> <p>5 A. Correct.</p> <p>6 Q. Did you start as an intern?</p> <p>7 A. That's accurate.</p> <p>8 Q. How many people did</p> <p>9 Investigative Project employ more or less</p> <p>10 at the time that you started?</p> <p>11 A. In the office in D.C., it was</p> <p>12 about, probably about a dozen, and then</p> <p>13 overseas there were I think three or four</p> <p>14 different individuals and there were a</p> <p>15 couple of other folks that kind of, like,</p> <p>16 they weren't based in D.C., they kind of</p> <p>17 -- they were in different places.</p> <p>18 Q. When did you become a senior</p> <p>19 terrorism consultant?</p> <p>20 A. 20 years ago this is, but my</p> <p>21 recollection is this was around the time</p> <p>22 of 9/11, at that time I had already given</p> <p>23 briefings at the White House, I had</p> <p>24 already given briefings to the F.B.I., I</p> <p>25 was speaking with law enforcement.</p>	<p style="text-align: right;">Page 145</p> <p>1 KOHLMANN</p> <p>2 organization before you started work</p> <p>3 there?</p> <p>4 A. Yes.</p> <p>5 Q. Did you consider it a reputable</p> <p>6 organization?</p> <p>7 A. There wasn't that much</p> <p>8 information out there in early 1998 about</p> <p>9 this.</p> <p>10 I had watched I think it was a</p> <p>11 60 Minutes special that had been showing</p> <p>12 some of the video that he had recovered</p> <p>13 and some of the investigations he had</p> <p>14 done, I spoke with someone who worked</p> <p>15 there that was very enthusiastic about</p> <p>16 working there.</p> <p>17 In fact, the only reason I</p> <p>18 worked -- I didn't know what it was when I</p> <p>19 got the job there, right, basically what</p> <p>20 happened was that I had wanted to work in</p> <p>21 a terrorism think tank or I wanted to work</p> <p>22 somewhere studying terrorism and I</p> <p>23 contacted a bunch of people at Georgetown</p> <p>24 that I knew who had similar interests and</p> <p>25 I said do you know of any place that I can</p>

<p style="text-align: right;">Page 146</p> <p>1 KOHLMANN</p> <p>2 go for internship to study this stuff.</p> <p>3 Someone suggested this, they</p> <p>4 were working there and they invited me in</p> <p>5 and I didn't know too much about Steve or</p> <p>6 the think tank, the Investigative Project,</p> <p>7 I just watched some of the TV shows that</p> <p>8 he had done and I watched his movie Jihad</p> <p>9 in America, and I felt like it was</p> <p>10 interesting work.</p> <p>11 Q. Did you read some of his</p> <p>12 articles or news clips about Steve</p> <p>13 Emerson?</p> <p>14 MR. HAEFELE: Objection to</p> <p>15 form.</p> <p>16 A. About him or by him?</p> <p>17 Q. Either.</p> <p>18 A. After -- well, while working</p> <p>19 there obviously, yes, I read tons of stuff</p> <p>20 that he wrote or he said and then other</p> <p>21 people saying about him, sure.</p> <p>22 Q. Were you aware -- would you</p> <p>23 consider Steve Emerson a mentor of yours?</p> <p>24 MR. HAEFELE: Objection, form.</p> <p>25 A. That's a difficult question.</p>	<p style="text-align: right;">Page 148</p> <p>1 KOHLMANN</p> <p>2 amount of commitment he has put in, he did</p> <p>3 a lot of very, very interesting work early</p> <p>4 on.</p> <p>5 The work that he did on Makhtab</p> <p>6 and Al-Kisah is still among the best work</p> <p>7 anyone has done, the documents he</p> <p>8 recovered from those institutions, nobody</p> <p>9 else has them and they're tremendously</p> <p>10 important.</p> <p>11 I would say there are some</p> <p>12 decisions that he does that I don't agree</p> <p>13 with, some opinions that he has I don't</p> <p>14 agree with obviously.</p> <p>15 But I would say that his</p> <p>16 critics have gotten some things right and</p> <p>17 some things wrong and I think one thing</p> <p>18 that they have gotten wrong is that, you</p> <p>19 know, he has his own personal opinions</p> <p>20 about this, but he does have very good</p> <p>21 research and he has done an admirable job</p> <p>22 of getting that research against very long</p> <p>23 odds and he has gotten research that</p> <p>24 nobody else has and that is absolutely</p> <p>25 authentic and credible.</p>
<p style="text-align: right;">Page 147</p> <p>1 KOHLMANN</p> <p>2 I had my disagreements with</p> <p>3 Steve; I credit Steve with giving me</p> <p>4 opportunity to research this stuff and</p> <p>5 having exposed me to a lot of information</p> <p>6 that nobody really knew about back then.</p> <p>7 But I would say that my</p> <p>8 philosophy and my approach are</p> <p>9 significantly different than Steve.</p> <p>10 Q. In your book you called him "a</p> <p>11 good friend with whom I'm proud to share</p> <p>12 the field" and you also talk about a</p> <p>13 special thanks to various people,</p> <p>14 including Steve Emerson.</p> <p>15 Did he help you with your book?</p> <p>16 A. Not really, no.</p> <p>17 And just to be very clear, that</p> <p>18 was written before I left the</p> <p>19 Investigative Project.</p> <p>20 Q. So he was -- was he a good</p> <p>21 friend before you left the Investigative</p> <p>22 Project but not after, I am not</p> <p>23 understanding what you're trying to say?</p> <p>24 A. I am just going to put it this</p> <p>25 way; he is someone who I respect the</p>	<p style="text-align: right;">Page 149</p> <p>1 KOHLMANN</p> <p>2 So I can disagree with his</p> <p>3 opinions and I can disagree with this and</p> <p>4 that, but I think the information that he</p> <p>5 has gathered, the research he has</p> <p>6 gathered, is top notch, at least for the</p> <p>7 time that I was there.</p> <p>8 Q. At the time that you began work</p> <p>9 in 1998 at the Investigative Project, were</p> <p>10 you aware that Mr. Emerson had stated on</p> <p>11 television in 1995 that, with respect to</p> <p>12 the Oklahoma City bombing, that "the bomb</p> <p>13 was done with the intent to inflict as</p> <p>14 many casualties as possible and that is,"</p> <p>15 quote, "a middle eastern trait."</p> <p>16 Were you aware that he had said</p> <p>17 that when you started work at the</p> <p>18 Investigative Project?</p> <p>19 A. No, I found -- that statement</p> <p>20 I discovered later.</p> <p>21 Q. While you were there?</p> <p>22 A. Yes, yes.</p> <p>23 Q. He also said, "Oklahoma City I</p> <p>24 can tell you is probably considered one of</p> <p>25 the largest centers of Islamic radical</p>

<p style="text-align: right;">Page 150</p> <p>1 KOHLMANN</p> <p>2 activity outside the Middle East."</p> <p>3 You're aware that he said that</p> <p>4 as well?</p> <p>5 A. Well, he had a reason for</p> <p>6 saying it, but, yeah, I'm vaguely familiar</p> <p>7 with why he said that, yeah, or that he</p> <p>8 did say that, excuse me.</p> <p>9 Q. Did you talk about it with him?</p> <p>10 A. No.</p> <p>11 Q. Did you view those as the</p> <p>12 statements of an anti-Muslim bigot?</p> <p>13 MR. HAEFELE: Objection.</p> <p>14 A. The first thing, I think, it</p> <p>15 was a stupid statement, I don't think it</p> <p>16 was a racist statement, I think it was a</p> <p>17 stupid statement.</p> <p>18 I think in general when you</p> <p>19 look at terrorism incidents, you have to</p> <p>20 be very careful to guess who the</p> <p>21 perpetrator is just based on how it's</p> <p>22 carried out, you really have to see more</p> <p>23 than that, right, so I think that was a</p> <p>24 hasty thing to say.</p> <p>25 As far as the bit about</p>	<p style="text-align: right;">Page 152</p> <p>1 KOHLMANN</p> <p>2 I am going to share with you,</p> <p>3 which I almost never do with anyone, let</p> <p>4 alone in my practice, but I can tell you</p> <p>5 if somebody said to me it was a Jewish</p> <p>6 trait to inflict as many casualties, I</p> <p>7 wouldn't consider that a stupid statement,</p> <p>8 I would consider that an anti-semitic</p> <p>9 statement; wouldn't you, sir?</p> <p>10 A. Well, I know --</p> <p>11 MR. HAEFELE: Objection to</p> <p>12 form.</p> <p>13 A. I know Steve pretty well and</p> <p>14 Steve, probably a lot of people don't know</p> <p>15 this, but Steve has a lot of Muslim</p> <p>16 friends and is actually close to a lot of</p> <p>17 Muslims --</p> <p>18 Q. Some of his best friends are</p> <p>19 Muslim?</p> <p>20 A. I don't think that Steve would</p> <p>21 deliberately insult people of the Muslim</p> <p>22 faith like that, I think it was a stupid</p> <p>23 statement, I think he should have thought</p> <p>24 about what he was saying before he said</p> <p>25 it, but I don't think it was intentionally</p>
<p style="text-align: right;">Page 151</p> <p>1 KOHLMANN</p> <p>2 Oklahoma City, I mean, he's right in the</p> <p>3 sense that Oklahoma and Oklahoma City were</p> <p>4 hosts to a lot of Islamic conferences that</p> <p>5 took place in the early-to-mid 1990s and</p> <p>6 several of those conferences hosted people</p> <p>7 who were very radical, including in</p> <p>8 Norman, Oklahoma, including people like</p> <p>9 Abu Abdel Aziz Barbaros, you know, there</p> <p>10 were actual -- mujahideen representatives</p> <p>11 coming there and giving presentations.</p> <p>12 Now, whether or not that's</p> <p>13 germane to the Oklahoma City bombing, you</p> <p>14 know, it's not irrelevant to mention,</p> <p>15 obviously in retrospect it wasn't</p> <p>16 Jihadist, it wasn't an Islamic group, and</p> <p>17 I think it is probably fair to say Muslims</p> <p>18 have been subject to, you know, a lot of</p> <p>19 vitreal because of the fact that people</p> <p>20 assume that every terrorist attack is</p> <p>21 carried out by Muslims and there are</p> <p>22 plenty of terrorist attacks carried out by</p> <p>23 non-Muslims.</p> <p>24 Q. I think we have gone a little</p> <p>25 far afield.</p>	<p style="text-align: right;">Page 153</p> <p>1 KOHLMANN</p> <p>2 racist and I don't think he is</p> <p>3 intentionally racist.</p> <p>4 However, again, I can't speak</p> <p>5 for him, I can only speak for myself.</p> <p>6 As far as the Investigative</p> <p>7 Project, I did not work directly</p> <p>8 underneath Steve, I worked with a team of</p> <p>9 other people who were very talented, very</p> <p>10 sophisticated folks, who knew a lot about</p> <p>11 this and they were certainly not as</p> <p>12 knowledgeable.</p> <p>13 I also -- the other point I</p> <p>14 would note is that while Steve has said a</p> <p>15 variety of things over the years that I</p> <p>16 just don't agree with, right, I wouldn't</p> <p>17 tell you that I necessarily agree with him</p> <p>18 because I don't know, but I would also say</p> <p>19 that Steve has been subject to criticism</p> <p>20 sometimes where people have accused him of</p> <p>21 being an Islamaphobe or a racist or this</p> <p>22 or that and I don't think that those</p> <p>23 criticisms are really, like -- if you're</p> <p>24 arguing is he pro-Israeli, yeah, sure, I</p> <p>25 would say so; am I pro-Israeli, not</p>

39 (Pages 150 - 153)

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 03-MDL-1570 (GBD) (SN)

5 -----x.

6
7 IN RE: TERRORIST ATTACKS ON
8 SEPTEMBER 11, 2001
9

10 -----x

11 August 6, 2021

12 9:04 a.m.
13

14 Continued Videotaped Deposition of
15 EVAN KOHLMANN, taken by Defendants,
16 pursuant to Notice, held via Zoom
17 videoconference, before Todd DeSimone, a
18 Registered Professional Reporter and Notary
19 Public of the State of New York.
20
21
22
23
24
25

<p style="text-align: right;">Page 471</p> <p>1 2 A P P E A R A N C E S : 3 COZEN O'CONNOR PC 1650 Market Street, Suite 2800 4 One Liberty Place Philadelphia, Pennsylvania 19103 5 Attorneys for Plaintiffs' Executive Committee 6 BY: J. SCOTT TARBUTTON, ESQ. starbutton@cozen.com 7 8 ANDERSON KILL P.C. 9 1251 Avenue of the Americas New York, New York 10020 10 Attorneys for Plaintiff O'Neill and Plaintiffs' Executive Committee 11 BY: BRUCE STRONG, ESQ. bstrong@andersonkill.com 12 13 MOTLEY RICE, LLC 14 28 Bridgeside Boulevard Mount Pleasant, South Carolina 29465 15 Attorneys for Plaintiffs in Burnett Case and Plaintiffs' Executive Committee for Personal Injury and 16 Death Claims 17 BY: ROBERT T. HAEFELE, ESQ. rhaefe@motleyrice.com 18 C. ROSS HEYL, ESQ. rheyl@motleyrice.com 19 JODI FLOWERS, ESQ. jflowers@motleyrice.com 20 21 SPEISER KRAUSE, P.C. 22 800 Westchester Ave, Ste. S-608 Rye Brook, New York 10573 23 Attorneys for Plaintiffs' Executive Committee 24 BY: JEANNE M. O'GRADY, ESQ. jog@speiserkrause.com 25</p>	<p style="text-align: right;">Page 473</p> <p>1 2 A P P E A R A N C E S: (Continued) 3 JONES DAY 51 Louisiana Avenue NW 4 Washington, DC 20001 Attorneys for Dubai Islamic Bank 5 BY: STEVEN T. COTTREAU, ESQ. scottreau@jonesday.com 6 GABRIELLE PRITSKER, ESQ. gpritsker@jonesday.com 7 AUDREY BECK, ESQ. abeck@jonesday.com 8 ERIC SNYDER, ESQ. esnyder@jonesday.com 9 10 11 OMAR T. MOHAMMEDI LLC 233 Broadway, Suite 820 12 New York, New York 10279-0815 Attorneys for World Assembly of 13 Muslim Youth BY: OMAR T. MOHAMMEDI, ESQ. 14 omohammadi@otmlaw.com JILL MANDELL, ESQ. 15 jmandel@otmlaw.com 16 17 GOETZ & ECKLAND 18 615 First Avenue NE, Suite 425 Minneapolis, Minnesota 55413 19 Attorneys for World Assembly of Muslim Youth 20 BY: FREDERICK GOETZ, ESQ. fgoetz@goetzeckland.com 21 22 23 24 25</p>
<p style="text-align: right;">Page 472</p> <p>1 2 A P P E A R A N C E S: (Continued) 3 KREINDLER & KREINDLER, LLP 750 Third Avenue 4 New York, New York 10017 Attorneys for Plaintiffs' Executive 5 Committee BY: ANDREW J. MALONEY, III, ESQ. 6 amaloney@kreindler.com 7 8 LEWIS BAACH KAUFMANN MIDDLEMISS PLLC 1101 New York Avenue NW, Suite 1000 9 Washington, DC 20005 Attorneys for Muslim World League and 10 International Islamic Relief Organization, Dr. Abdullah Al Turki, 11 Dr. Adnan Basha, Dr. Abdullah Al Obaid and Dr. Abdullah Naseef 12 BY: WALEED NASSAR, ESQ. waleed.nassar@lbkmlaw.com 13 AISHA BEMBRY, ESQ. aisha.bembry@lbkmlaw.com 14 NOUR SOUBANI, ESQ. nour.soubani@lbkmlaw.com 15 SUMAYYA KHATIB, ESQ. sumayya.khatib@lbkmlaw.com 16 17 18 BERNABEI & KABAT PLLC 19 1400 16th Street NW, Suite 500 Washington, DC 20009 20 Attorneys for Dr. Abdullah Al Turki, Dr. Adnan Basha, Dr. Abdullah Al 21 Obaid and Dr. Abdullah Naseef BY: ALAN KABAT, ESQ. 22 kabat@bernabeipllc.com 23 24 25</p>	<p style="text-align: right;">Page 474</p> <p>1 2 A P P E A R A N C E S: (Continued) 3 SALERNO & ROTHSTEIN 221 Schultz Hill Road 4 Pine Plains, New York 12567 Attorneys for Yassin Kadi 5 BY: AMY ROTHSTEIN, ESQ. amyrothsteinlaw@gmail.com 6 PETER SALERNO, ESQ. peter.salerno.law@gmail.com 7 8 9 ALSO PRESENT: 9 RICHARD CASHON, Paralegal, Motley Rice 10 THOMAS DEVINE, Videographer 11 MICHAEL TOTH, Concierge Tech 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 475</p> <p>1 KOHLMANN</p> <p>2 THE VIDEOGRAPHER: Good morning.</p> <p>3 We are going on the record at 9:04 a.m. on</p> <p>4 August 6th, 2021.</p> <p>5 This is Volume II of the</p> <p>6 video-recorded deposition of Evan Kohlmann</p> <p>7 taken by counsel for the defendant in the</p> <p>8 matter of In Re Terrorist Attacks of</p> <p>9 September 11th, 2001 filed in the U.S.</p> <p>10 District Court, Southern District of New</p> <p>11 York, case number 03-MDL-1570 (GBD) (SN).</p> <p>12 This deposition is being held online as a</p> <p>13 Zoom video conference with all parties</p> <p>14 appearing remotely.</p> <p>15 My name is Thomas Devine from</p> <p>16 the firm Veritext New York and I am the</p> <p>17 videographer. The court reporter is Todd</p> <p>18 DeSimone also with Veritext New York. I am</p> <p>19 not authorized to administer an oath, I am</p> <p>20 not related to any party in this action,</p> <p>21 nor am I financially interested in the</p> <p>22 outcome.</p> <p>23 Counsel appearing remotely will</p> <p>24 have their appearances noted on the</p> <p>25 stenographic record. Now the court</p>	<p style="text-align: right;">Page 477</p> <p>1 KOHLMANN</p> <p>2 carrying on the questioning this morning.</p> <p>3 MR. NASSAR: Before we begin, I</p> <p>4 have -- I wanted to direct your attention</p> <p>5 or, more appropriately, your counsel's</p> <p>6 attention to three entries in your reliance</p> <p>7 materials that appear on page 13, and they</p> <p>8 are a July 12th, 1999 letter, a March 20,</p> <p>9 2000 letter, and a March 13, 1999 letter,</p> <p>10 and I believe counsel will put a</p> <p>11 stipulation onto the record in relation to</p> <p>12 those three entries.</p> <p>13 MR. HAEFELE: Yeah. As we have</p> <p>14 in the past with other expert witnesses for</p> <p>15 plaintiffs' counsel or for plaintiffs,</p> <p>16 those are items that plaintiffs' counsel</p> <p>17 provided to the experts, they were part of</p> <p>18 a larger document that was already in the</p> <p>19 ECF record, and it is my understanding that</p> <p>20 none of the experts, including</p> <p>21 Mr. Kohlmann, relied on them for their</p> <p>22 opinions. So we would stipulate that those</p> <p>23 are documents not relied upon by the</p> <p>24 expert.</p> <p>25 MR. NASSAR: I would like to at</p>
<p style="text-align: right;">Page 476</p> <p>1 KOHLMANN</p> <p>2 reporter will swear in the witness and we</p> <p>3 may proceed.</p> <p>4 THE COURT REPORTER:</p> <p>5 Mr. Kohlmann, I'll just remind you that</p> <p>6 you're still under oath.</p> <p>7 THE WITNESS: Yes, thank you.</p> <p>8 * * *</p> <p>9 EVAN KOHLMANN,</p> <p>10 having been previously duly sworn,</p> <p>11 testified further as follows:</p> <p>12 EXAMINATION BY MR. NASSAR:</p> <p>13 Q. Good morning, Mr. Kohlmann.</p> <p>14 A. Good morning.</p> <p>15 Q. I hope you had a restful</p> <p>16 evening.</p> <p>17 A. Some of it, yes.</p> <p>18 Q. My name is Walid Nassar. I'm a</p> <p>19 colleague of Mr. Lewis, who led the</p> <p>20 questioning yesterday. I represent the</p> <p>21 Muslim World League, the IIRO, as well as</p> <p>22 four of their former Secretaries General</p> <p>23 who are named as individual defendants in</p> <p>24 this litigation. Mr. Lewis had a personal</p> <p>25 family emergency and that's why I'm</p>	<p style="text-align: right;">Page 478</p> <p>1 KOHLMANN</p> <p>2 this time mark the report, your expert</p> <p>3 report, and I believe it is 102 in the tab,</p> <p>4 and it is going to be marked as Exhibit</p> <p>5 1024.</p> <p>6 (Exhibit 1024 marked for</p> <p>7 identification.)</p> <p>8 MR. NASSAR: Can we cue it up.</p> <p>9 Q. If we just scroll through, it</p> <p>10 is the report that we have been going over,</p> <p>11 it is your expert report. I just want to</p> <p>12 make sure that it looks to you like your</p> <p>13 expert report.</p> <p>14 A. Yeah, I have a copy right in</p> <p>15 front of me. It does appear to be.</p> <p>16 Q. Okay, great.</p> <p>17 MR. NASSAR: I would next like</p> <p>18 to put up the rebuttal, your rebuttal</p> <p>19 report, which is tab 8, and we are going to</p> <p>20 mark that as Exhibit 1025.</p> <p>21 (Exhibit 1025 marked for</p> <p>22 identification.)</p> <p>23 MR. NASSAR: We can pull down</p> <p>24 the report. I think we have the wrong tab</p> <p>25 up. Let's pull this one down. Is it tab</p>

<p style="text-align: right;">Page 479</p> <p>1 KOHLMANN</p> <p>2 8? Michael, is this --</p> <p>3 THE CONCIERGE: Actually, I</p> <p>4 think you are looking for tab 9.</p> <p>5 MR. NASSAR: Okay. It should</p> <p>6 be the expert rebuttal report, yes, tab 9,</p> <p>7 and this is going to be marked as Exhibit</p> <p>8 1025.</p> <p>9 Q. If we could scroll through it</p> <p>10 again, and the same exercise, does this</p> <p>11 look like the rebuttal report that you</p> <p>12 provided in this case?</p> <p>13 A. Yeah. I have a copy right</p> <p>14 here. It appears to be.</p> <p>15 Q. And are all of your opinions</p> <p>16 contained in the four corners of these</p> <p>17 two -- these two reports?</p> <p>18 A. For this case, yeah, as far as</p> <p>19 I'm aware, yes.</p> <p>20 MR. NASSAR: We can pull it</p> <p>21 down. Next I would like to mark as an</p> <p>22 exhibit, I think it is -- it is document 4,</p> <p>23 and these are the invoices that were</p> <p>24 provided to us by counsel for plaintiffs.</p> <p>25 (Exhibit 1026 marked for</p>	<p style="text-align: right;">Page 481</p> <p>1 KOHLMANN</p> <p>2 this down. I think that's all I was going</p> <p>3 to do with this.</p> <p>4 Q. And you testified yesterday</p> <p>5 that around the same time you did some work</p> <p>6 for the Department of Defense and that your</p> <p>7 rate for them was \$350 an hour; is that</p> <p>8 correct?</p> <p>9 A. Yeah, yeah, I believe so, yeah.</p> <p>10 Q. In other reports that we have</p> <p>11 seen where you have testified, I believe we</p> <p>12 have seen rates in the \$400 range for your</p> <p>13 testimony and your work. Does that sound</p> <p>14 accurate?</p> <p>15 A. Yeah. It just depended when</p> <p>16 the contract started. I mean, obviously my</p> <p>17 rates went up over time.</p> <p>18 Q. Why is there a discount for</p> <p>19 your work on this case relative to the work</p> <p>20 you do for other cases?</p> <p>21 MR. HAEFELE: I object to the</p> <p>22 form.</p> <p>23 A. I wouldn't describe it as a</p> <p>24 discount. It is simply that they retained</p> <p>25 me when I was -- back in 2004 and I hadn't</p>
<p style="text-align: right;">Page 480</p> <p>1 KOHLMANN</p> <p>2 identification.)</p> <p>3 Q. And we can just scroll through</p> <p>4 these as well. Do these look like the</p> <p>5 invoices that you provided, Mr. Kohlmann?</p> <p>6 A. They do. They do.</p> <p>7 Q. Except I imagine your invoices</p> <p>8 were not redacted, correct?</p> <p>9 A. Yeah, they are not redacted,</p> <p>10 and obviously this is now for like 16 years</p> <p>11 ago, so they might look a little bit</p> <p>12 different now. But this is basically,</p> <p>13 yeah, about right.</p> <p>14 Q. Okay. And I see that you</p> <p>15 switched from, and I believe you testified</p> <p>16 to this yesterday as well, you switched</p> <p>17 from a monthly retainer in or around</p> <p>18 December 2007/January 2008 and you moved to</p> <p>19 an hourly rate -- I'm sorry, that will be</p> <p>20 Exhibit 1026.</p> <p>21 In January 2008 you moved to an</p> <p>22 hourly rate of \$225 per hour; is that</p> <p>23 correct?</p> <p>24 A. That's correct, yeah.</p> <p>25 MR. NASSAR: And we can pull</p>	<p style="text-align: right;">Page 482</p> <p>1 KOHLMANN</p> <p>2 updated my rates with them. But that's, I</p> <p>3 mean, it's just a function of time.</p> <p>4 Q. So these were locked in and</p> <p>5 then you haven't updated the rates?</p> <p>6 A. I don't know if I'm locked in</p> <p>7 or not. Honestly, how do I put this, it is</p> <p>8 a terrible thing to admit, my focus is not</p> <p>9 really on the business side, that's why I</p> <p>10 have business partners. My focus is really</p> <p>11 on substance.</p> <p>12 MR. HAEFELE: Walid, do you</p> <p>13 want him to update his rates for the</p> <p>14 deposition?</p> <p>15 THE WITNESS: I would be happy</p> <p>16 to ask for more. That's not something I</p> <p>17 usually do.</p> <p>18 Q. And so when you were retained</p> <p>19 at the inception of this litigation in</p> <p>20 2004, that's when the \$225 was decided, not</p> <p>21 when it transitioned in 2008?</p> <p>22 A. I don't -- I think it was</p> <p>23 around 2004-2005. I don't remember when</p> <p>24 the exact hourly rate was set. I don't</p> <p>25 remember. But, again, I can tell you this,</p>

<p style="text-align: right;">Page 543</p> <p>1 KOHLMANN</p> <p>2 Q. And "Police officials," in the</p> <p>3 next paragraph, "say that WAMY has presence</p> <p>4 in Delhi, Mumbai," I'm not even going to</p> <p>5 try to pronounce the next city, "Lucknow,</p> <p>6 Aligarh, besides Hyderabad." And then it</p> <p>7 said "It had its offices in Mumbai and</p> <p>8 Delhi which were closed soon after the</p> <p>9 Centre imposed a ban on SIMI."</p> <p>10 Did I read that correctly?</p> <p>11 A. As best as I could, because I</p> <p>12 can't pronounce Thiruvananthapuram either.</p> <p>13 Q. All right. So it doesn't state</p> <p>14 in here, in this article, the point that</p> <p>15 you cite it for, "The Indian government</p> <p>16 shuttered WAMY's offices in that country</p> <p>17 for allegedly financing banned terrorist</p> <p>18 groups including Laskhar-e-Toiba and</p> <p>19 Jaish-e-Mohammed."</p> <p>20 As I read the article, it says</p> <p>21 that two offices were closed soon after the</p> <p>22 Centre imposed a ban on SIMI. Would you</p> <p>23 agree that there is somewhat of a</p> <p>24 disconnect between your report and the</p> <p>25 article?</p>	<p style="text-align: right;">Page 545</p> <p>1 KOHLMANN</p> <p>2 Q. Did you have any primary or</p> <p>3 secondary sources or did you consider any</p> <p>4 primary or secondary sources as to whether</p> <p>5 any WAMY office in India was ever closed by</p> <p>6 the government?</p> <p>7 A. I don't think so, but I can't</p> <p>8 recall, honestly. I might have looked at</p> <p>9 other sources from within my own archive on</p> <p>10 this, but I don't recall.</p> <p>11 Q. All right. But, again, it is</p> <p>12 our only opportunity to ask you questions</p> <p>13 about this, and for this proposition, this</p> <p>14 claimed link, the only source that you cite</p> <p>15 is this one Times of India article, right?</p> <p>16 A. That's correct, yeah, but I</p> <p>17 can't recall if there are other sources.</p> <p>18 I -- sorry, I can't recall off the top of</p> <p>19 my head. This is the only source that I</p> <p>20 cited.</p> <p>21 Q. The article represents</p> <p>22 intelligence agencies are planning to</p> <p>23 submit a report on their findings about</p> <p>24 WAMY's activities by the city -- or</p> <p>25 activities the city to the Centre by the</p>
<p style="text-align: right;">Page 544</p> <p>1 KOHLMANN</p> <p>2 MR. HAEFELE: Objection to</p> <p>3 form.</p> <p>4 A. No, I disagree with that.</p> <p>5 Q. All right. Well, certainly</p> <p>6 would you agree that your report seems to</p> <p>7 indicate that -- well, there is no</p> <p>8 distinction in your report as to whether</p> <p>9 any WAMY offices were left open after that,</p> <p>10 and there is no clarification in your</p> <p>11 report as that the offices in Mumbai and</p> <p>12 Delhi were closed soon after the Centre</p> <p>13 imposed a ban on SIMI, that part of the</p> <p>14 article did not carry over to your report,</p> <p>15 did it?</p> <p>16 MR. HAEFELE: Objection to</p> <p>17 form.</p> <p>18 A. The last part I don't know</p> <p>19 about. The first part I think -- I think</p> <p>20 it is correct, I didn't say whether or not</p> <p>21 other WAMY offices had not been closed,</p> <p>22 although I don't know that that's relevant</p> <p>23 to the point I was making. But it is true,</p> <p>24 I didn't say that there were other offices</p> <p>25 that might have stayed open, sure.</p>	<p style="text-align: right;">Page 546</p> <p>1 KOHLMANN</p> <p>2 end of this month.</p> <p>3 Did you ever get a copy of that</p> <p>4 report if it was ever issued?</p> <p>5 A. I don't know that I was ever</p> <p>6 able to get a copy of that report, no.</p> <p>7 Q. Was there a report even issued;</p> <p>8 do you know?</p> <p>9 A. I wasn't able to get a copy of</p> <p>10 any such report, so honestly I can't say</p> <p>11 whether it was or it wasn't.</p> <p>12 Q. Are you aware that a former</p> <p>13 WAMY official has testified under oath in</p> <p>14 this case that WAMY never had an office in</p> <p>15 India?</p> <p>16 A. I am not familiar with that,</p> <p>17 no.</p> <p>18 Q. So in preparing your report in</p> <p>19 this case, you make this factual claim.</p> <p>20 Did you ever reach out to the plaintiffs'</p> <p>21 counsel and say well, I'm making this</p> <p>22 claim, are there any other evidence or</p> <p>23 information that was learned during</p> <p>24 discovery that I could use to compare and</p> <p>25 contrast this article to?</p>

<p style="text-align: right;">Page 547</p> <p>1 KOHLMANN</p> <p>2 A. Well, just because of the fact</p> <p>3 that someone denies something, that doesn't</p> <p>4 mean it's not true. WAMY has denied lots</p> <p>5 of things over the years. I just don't</p> <p>6 have any faith in the affirmations made by</p> <p>7 WAMY officials. They have made</p> <p>8 affirmations about lots of things that have</p> <p>9 turned out not to be true.</p> <p>10 So I think my, you know,</p> <p>11 comparative analysis is based on evaluating</p> <p>12 sources that are reliable. Taking the word</p> <p>13 of WAMY saying that something didn't, I</p> <p>14 can't, I'm sorry, you know, I -- I didn't</p> <p>15 note in here that WAMY said it didn't</p> <p>16 happen, but I don't know that that's</p> <p>17 relevant to my analysis because I don't</p> <p>18 trust WAMY. I don't trust anything that</p> <p>19 WAMY says.</p> <p>20 Q. Mr. Kohlmann, that wasn't my</p> <p>21 question. My question was simply, and I'm</p> <p>22 going to ask it again, so please listen</p> <p>23 carefully, did you ever ask plaintiffs'</p> <p>24 lawyers if there was any information about</p> <p>25 WAMY's offices in India that was</p>	<p style="text-align: right;">Page 549</p> <p>1 KOHLMANN</p> <p>2 accusations of terrorism because they have</p> <p>3 made those denials before and they weren't</p> <p>4 true.</p> <p>5 Q. So the answer to my question is</p> <p>6 no, you never asked about this claim,</p> <p>7 whether there was any contrary information;</p> <p>8 is that right?</p> <p>9 MR. HAEFELE: Objection to</p> <p>10 form, asked and answered.</p> <p>11 A. I think the answer is that I</p> <p>12 never asked whether or not WAMY officials</p> <p>13 denied a charge that I would have expected</p> <p>14 them to have denied to begin with.</p> <p>15 I mean, again, you know, this</p> <p>16 is the same thing about asking someone in</p> <p>17 prison whether or not they did it. Of</p> <p>18 course they are going to tell you they are</p> <p>19 innocent. That doesn't mean anything. I</p> <p>20 mean, that's what -- this is -- that's not</p> <p>21 a relevant -- a relevant -- now, if a U.S.</p> <p>22 government agency or a British government</p> <p>23 agency or some other reliable foreign</p> <p>24 government had come forward and said WAMY</p> <p>25 didn't have an office there, that is all a</p>
<p style="text-align: right;">Page 548</p> <p>1 KOHLMANN</p> <p>2 inconsistent with your information in this</p> <p>3 Times of India report?</p> <p>4 MR. HAEFELE: I object to the</p> <p>5 form and asked and answered.</p> <p>6 A. Yeah, I --</p> <p>7 Q. Do you even make the inquiry?</p> <p>8 A. I think I can answer this again</p> <p>9 which is that I was provided with certain</p> <p>10 materials. I looked up anything I could</p> <p>11 not find. Some materials were unavailable</p> <p>12 to me. And as far as WAMY, I don't trust</p> <p>13 what their officials say, I can't take</p> <p>14 those affirmations because they have made</p> <p>15 those affirmations before and --</p> <p>16 MR. MOHAMMEDI: That is not</p> <p>17 responsive.</p> <p>18 MR. HAEFELE: It actually is</p> <p>19 responsive.</p> <p>20 Q. Just finish your answer,</p> <p>21 please.</p> <p>22 A. Sure. Once again, as I said,</p> <p>23 unfortunately, the affirmations of WAMY</p> <p>24 officials don't carry that much weight when</p> <p>25 they are denying aspects of, you know,</p>	<p style="text-align: right;">Page 550</p> <p>1 KOHLMANN</p> <p>2 lie, dot dot dot, I would be more than</p> <p>3 willing to consider that, sure, a</p> <p>4 subjective source, sure, of course, sure.</p> <p>5 Q. Mr. Kohlmann --</p> <p>6 A. Not -- excuse me, Mr. Goetz,</p> <p>7 again, I've got to finish. If it is from a</p> <p>8 WAMY official denying they did anything</p> <p>9 wrong, I don't know that that's something</p> <p>10 that I can rely on.</p> <p>11 Q. Mr. Kohlmann, would you agree</p> <p>12 that irrespective of whether somebody is in</p> <p>13 prison or not, everyone has biases, would</p> <p>14 you agree with that?</p> <p>15 A. Yeah, absolutely. I think I</p> <p>16 have said that previously, that all human</p> <p>17 beings have some form of bias. You have to</p> <p>18 treat every source as having some form of</p> <p>19 bias. You have to assume that you have</p> <p>20 some form of bias, and any kind of analysis</p> <p>21 that you are doing you have to be</p> <p>22 continuously and rigorously examining for</p> <p>23 bias, both bias for and bias against,</p> <p>24 which, again, I think it is a very fair</p> <p>25 point.</p>